

HONORABLE RICARDO S. MARTINEZ

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

HERBERT E. TOWNSEND, an individual,

Plaintiff,

v.

BROOKS SPORTS, INC., a Washington
corporation,

Defendant.

Case No. 2:17-cv-01322-RSM

**JOINT STATUS REPORT REGARDING
INTER PARTES REVIEW OF PATENT-IN-
SUIT**

On April 11, 2018, the Court issued an order granting Defendant Brooks Sports Inc.'s Motion to Stay Pending *Inter Partes* Review. D.I. 101 (the "Stay Order").

Pursuant to ¶ 2 of the Stay Order, the parties now report on the decision of the Patent Trial and Appeal Board ("PTAB") regarding whether to institute *inter partes* review ("IPR"), as follows:

On August 14, 2018, the PTAB instituted *inter partes* review of all claims challenged by Defendant Brooks Sports Inc. The PTAB on that same day set a schedule for dates in the IPR through May 9, 2019. The PTAB's Institution Decision and Scheduling Order are attached hereto as Exhibits 1 and 2, respectively.

DATED this 28th day of August, 2018.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

DATED this 28th day of August, 2018.

/s/ Darren Donnelly